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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE
## (Legislative Department)

*New Delhi, the 23rd September, 1972/Asvina 1, 1894 (Saka)*

# THE PAYMENT OF BONUS (AMENDMENT) ORDINANCE 1972

## No. 8 OF 1972

Promulgated by the President in the Twenty-third Year of the Republic of India

An Ordinance further to amend the Payment of Bonus Act, 1965.

Promulgated by the President in the Twenty-third Year of the Republic of India.

An Ordinance further to amend the Payment of Bonus Act, 1965.

WHEREAS Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate that following Ordinance:—

Short title and commencement.

1. (*1*) This Ordinance may be called the Payment of Bonus (Amendment) Ordinance, 1972.

(2) It shall come into force at once.

Act 21 of 1965 to be temporarily amended.

2. During the period of operation of this Ordinance, the Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in section 3, 4 and 5.

Amendment of section 10.

3. Section 10 of the principal Act shall be re-numbered as sub-section (*1*) thereof, and—

(*i*) in sub-section (*1*) as so re-numbered, in the proviso, for the words "this section", the words "this sub-section" shall be substituted;

(*ii*) after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely:—

'(*2*) Notwithstanding anything contained in sub-section (*1*), but subject to the provisions of sections 8 and 13, every employer shall be bound to pay to every employee in respect of the accounting year commencing on any day in the year 1971 a minimum bonus which shall be eight and one-third per cent. of the salary or wage earned by the employee during that accounting year or eighty rupees, whichever is higher, whether there are profits in that accounting year or not:

Provided that where such employee has not completed fifteen years of age at the beginning of that accounting year, the provisions of this sub-section shall have effect in relation to such employee as if for the words "eighty rupees", the words "fifty rupees" were substituted.'.

Amendment of section 13.

4. To section 13 of the principal Act, the following proviso shall be added, namely:—

'Provided that in respect of the accounting year commencing on any day in the year 1971. the provisions of this section shall have effect as if for the words "forty rupees", "twenty-five rupees" and "four per cent.", the words "eighty rupees", "fifty rupees" and "eight and one-third per cent." respectively were substitute.'.

Amendment of section 19.

5. Section 19 of the principal Act shall be re-numbered as sub-section (*1*) thereof, and—

(*i*) in sub-section (*1*) as so re-numbered, for the words "All amounts", the words "Subject to the provisions of this section, all amounts" shall be substituted;

(*ii*) after sub-section (*1*) as so re-numbered, the following sub-sections shall be inserted, namely:—

'(*2*) Where the amount paid or payable to an employee by way of bonus under this Act (including section 34) in respect of the accounting year immediately preceding the accounting year commencing on any day in the year 1971 is less than the amount payable to such employee under sub-section (*2*) of section 10 and the amount payable to such employee by way of bonus under this Act in respect of the accounting year commencing on any day in the year 1971 is more than the amount payable to such employee under the said sub-section (*2*), then, in respect of the accounting year commencing on any day in the year 1971, so much of the amount as is payable to him under that sub-section shall be paid in cash and the balance shall be remitted by the employer to the authority maintaining the provident fund account of such employee for crediting the same in that account and such payment and remittance shall be made within the time-limit specified in sub-section (*1*).

(*3*) Without prejudice to the provisions of sub-section (*2*), where the amount payable to an employee by way of bonus under this Act (including section 34) in respect of the accounting year commencing on any day in the year 1971 is in excess of the amount paid or payable to such employee by way of bonus under this Act in respect of the accounting year immediately preceding, the excess shall be remitted by the employer to the authority maintaining the provident fund account of such employee for crediting the same in that account and the balance shall be paid in cash and such remittance and payment shall be made within the time-limit specified in sub-section (*1*).

(*4*) Where any employee has no provident fund account, the provisions of sub-sections (*2*) and (*3*) shall not apply to such employee and the amount payable to him by way of bonus under this Act (including section 34) shall be paid in accordance with the provisions of sub-section (*1*).

(5) Where any employer remits any amount for crediting in the provident fund account of an employee under sub-section (*2*) or sub-section (*3*),—

(*i*) the employer shall be deemed to have discharged his liability to pay the balance amount of bonus to such employee;

(*ii*) the amount so remitted shall be deemed to be a contribution made by such employee in his provident fund account.

*Explanation.*—For the purposes of sub-section (*2*), (*3*), (*4*) and (5), the expression "provident fund account", in relation to an employee, means the individual provident fund account of such employee maintained under the Coal Mines Provident Fund. Family Pension and Bonus Schemes Act, 1948 and the schemes framed thereunder or the Employees' Provident Funds and Family Pension Fund Act, 1952 and the schemes framed thereunder or under any other law for the time being in force or maintained by such authority as may be specified by the Central Government in this behalf by notification in the Official Gazette, as the case may be.

46 of 1948.

19 of 1952.

(*6*) The provisions of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948 and the Employees' Provident Funds and Family Pension Fund Act, 1952 shall, so far as may be, apply in relation to the remittances to be made by an employer under sub-sections (*2*) and (*3*) as they apply in relation to the contributions to be made by such employer under the aforesaid Acts.'.

46 of 1948.

19 of 1952.

V. V. GIRI,
*President.*

K. K. SUNDARAM,
*Joint Secy. to the Govt. of India.*

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